



City of South Lake Tahoe

"making a positive difference now"

September 14, 2011

Robert Larsen
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

Re: Comments on the Tentative Updated Waste Discharge Requirements/National Pollutant Discharge Elimination System (NPDES) Permit.

Dear Mr. Larsen:

Please consider the following comments for the development of the waste discharge requirements and NPDES permit (Permit) for El Dorado County, Placer County and the City of South Lake Tahoe. The first list of comments I put together and the second list is comments from the City Stormwater Coordinator (Robert Erlich). There may also be additional comments coming from the City Attorney's office in a separate letter.

Director of Development Services comments:

1. Section D.4 (page 6): Where voter approval of service charges, fees or assessments is necessary and is pursued by a permittee and not approved by voters, this reasoning is not a valid argument against the Permit not constituting an unfunded local government mandate.
2. Section F.7 (page 10): Please clarify, "efforts to eliminate the increased loads from these land distributing activities will not be counted towards achieving annual load reduction requirements." Does this include implementation of the Stormwater Management Plan Construction Component? Efforts to implement the SWMP should be able to be counted in achieving load reduction requirements.
3. Section III.A.1: What will be the mechanism to determine compliance with enforcing "the necessary legal authority to prohibit...?"
4. Section III.B.1.b: "...each Permittee shall inspect at a minimum, each high priority construction site once per week" is too prescriptive. The requirement for inspection frequency should be determined in the development of the SWMP. Inspections may be required more or less frequently depending on the project prioritization and stage of construction. Same comment for Attachment C, Section II.
5. Section III.B.2.c: The focus of residential source identification and prioritization should be on the activities rather than areas. These activities could occur in different residential areas at any time.
6. Section III.B.3.a: "Each permittee shall inspect its storm water collection, conveyance and treatment facilities at least once annually..." is too prescriptive. Frequency of inspections should

be determined in the development of the SWMP. Inspections may be required more or less frequently depending on the type of facility and prioritization. Same comment for Attachment C, Section II.

7. Section III.C: I can understand the need to report on SWMP implementation expenditures each year but a complete fiscal analysis annually will be costly. A fiscal analysis that includes the projected annual cost of full implementation once the SWMP is approved is appropriate. What is the timeframe for the fiscal analysis? Within 1 year of SWMP approval?
8. Section III.C: The Permit calls for the SWMP fiscal analysis component to describe funding sources for implementation, what if funds are not available?
9. Section IV.A: The methodologies for developing jurisdiction specific pollutant load allocations are still in development and a mechanism to address modifications to this Permit based on future study need to be in place. For example, the assumptions, extrapolations, and potential inaccuracies that result from the current method of using individual PLRM modeling for jurisdictional scale pollutant loading make it very likely that better science and methodologies will be developed to make the jurisdictional pollutant load allocations more accurate. In addition, the method to account for catchment connectivity in the pollutant load estimates are still being discussed and recent studies have shown fine sediment particles may not be the primary cause of Lake clarity degradation. It is imperative that a process is in place to facilitate adjustments to the pollutant load baselines and/or allocations that does not create additional cost or local jurisdiction staff time burdens. Please clarify the procedure for submitting a request and receiving approval for modifying the baseline pollutant load estimate and include the ability to request modifications to the basin-wide and jurisdictional waste load allocations.
10. Section IV.D: In the first paragraph describing new development or re-development, please clarify the statement, "efforts to eliminate the increased loads from these land-disturbing activities will not be counted towards the annual load reduction requirements." It is a primary goal of the City of South Lake Tahoe and the Tahoe Regional Planning Agency to improve water quality through "environmental redevelopment." In the July 20, 2011 staff report to the TRPA Governing Board on the revised Regional Plan Update scope, environmental redevelopment is described as, "a set of strategies to (a) promote relocation of existing development off of sensitive lands and into compact town centers consistent with the concepts of California's SCS mandate; and b) accelerate the rebuilding of existing development to incorporate state-of-the-art environmental standards and best practices." In an already developed urban area where the lack of modern infrastructure and deteriorating built environment significantly contributes to pollutant runoff, redevelopment is the key to meeting pollutant load reduction requirements as well as other environmental thresholds. It appears that this Permit discourages reinvestment into existing developed areas by not allowing those efforts to be counted toward pollutant load reduction requirements.
11. Attachment C, Section F: There should not be a deadline for submitting a proposal to use an alternative assessment method. New and more accurate science and methodologies could be developed at any time during the permit term and should be able to be considered.
12. What are the funding resources available to local jurisdictions to complete the preparation of ordinances, a Pollutant Load Reduction Plan, an Amended Stormwater Management Plan, a

Pollutant Load Reduction Report, a Stormwater Monitoring Plan, Progress Report and registering catchment credit schedules by March 2013? These study and reporting requirements will be costly as will implementation.

13. Will there be a basin-wide strategy for water quality monitoring to ensure consistency and reduce costs?

Stormwater Coordinator comments:

1. P 1 cover letter. When is LCCPH v.1.0 due out. Is there time to review?

Tentative Updated Permit

2. Permit-Findings F.5 P.9: The jurisdictions have expressed concerns that the time allotted to complete the September 2011 baseline jurisdictional load estimates was not sufficient to allow the jurisdictions to finalize a load estimate that included a factors such as connectivity. While the permit intends to use these baseline load estimates for jurisdictions specific pollutant load allocations, the process to allow changes to the baseline load estimate needs to be readily available to permittees. (It is briefly mentioned in IV.A. P. 19.)
3. I.B P.11: - typo –in its (for it its)
4. III.A.2.a P.14: Control through interagency agreement... Does this apply to only the 3 permittees covered by this permit, or also Caltrans. Can you provide any examples of such agreements between munies and Caltrans?
5. III.B. P. 15: SWMP – amendment due 3/15/2013 – OK. 2012 would be too early.
6. III.B.2.b, d P16-17 : Commercial and Industrial site inspection, outreach and enforcement and residential outreach and enforcement are required by 3/15/2013 under a permit section involving SWMP updates. These requirements include enforcement of ordinances to maintain compliance with permit. If these are not in place, would this be a violation for not complying with permit requirements (as detailed in the SWMP), or could the SWMP be amended, identifying a different time schedule, to avoid potential enforcement action.
7. III.B.3a.P 17: Requirement to inspect all facilities annually may not be needed; City has >1500 sediment traps which currently are not given much credit in reducing fine sediment loads. Several years of inspections indicate that many of the sediment traps don't need yearly maintenance. Amount of time to inspect all facilities as well as meet the requirements in the MRP for Condition Assessment is likely to be a difficult burden for permittees to meet. Consider allowing variances or exemptions to inspect all facilities annually.
8. III.B.3c.P 18: New requirement for permittees to perform needed maintenance after prioritization. How will compliance be determined? Should we divert resources from LCCP-related maintenance to maintain BMPs in non-registered, not-critical catchments? The section may lead

munies to give these facilities lower priorities as the only way to avoid a requirement to perform maintenance City already inspects and maintains facilities to alleviate drainage issues.

9. IV A. PLR-Baseline Pollutant Loads P. 19: Allows a permittee to submit a request to Water Board to amend its baseline load estimate. Cite in letter, and state that serious consideration of these permittees' requests by the WB would be expected.

10. IV C.1 PLRP=Catchment registration schedule P. 20: ...a list of catchments likely to be registered.. Unclear about period – add "through the term of this permit". If the intent is to provide a schedule of catchments beyond 2016, this may be difficult to predict as of 2013.

11. IV.C. 3. Pollutant load reduction estimates P 21: .. or a representative catchment subset.. The intent presumably is to allow multi-catchment measures e.g., modified abrasives, be credited without having to provide the same level of detail about each catchment. Add additional language to confirm/clarify this point.

12. IV.C.4. Load Reduction Schedule. P 21: PLRP includes schedule. If the City doesn't meet the schedule, will enforcement be for not following PLRP, or for not meeting PLR Requirements in IV.B. If permittees fall behind, should they revise the 2013 schedule?

13. IV.D. Development Impacts. P 21: Consider additional language regarding the scale of impacts which require this assessment. Also see MRP Section IV A. P 12-13, which requires permittees to list development and redevelopment projects, with a confirmation that changes in pollutant loading be documented by registering the catchment. Does this mean that permittees must register all catchments with new development or redevelopment projects? Consider modifying this to only require registration for catchments where permittees have used the Findings F.6 clause regarding "document coordination ...to demonstrate that stormwater treatment facilities treating private property are sufficient..."

14. IV. E Pollutant Load Reduction Progress. P 22: Report required by March 15, 2013, documenting projects completed between 2004 and 2011 and pollutant load reduction estimates for actions up to Oct 15, 2011. This is a reasonable date for this report.

Attachment C. Monitoring and Reporting Program (MRP)

15. I.A PLR Monitoring Requirements –LCCP: 5th sentence – Add "estimated" before "pollutant load reductions"

16. I.C P 3. Crediting Program Handbook: Will permittees have adequate time to review LCCP Handbook version 1.0 prior to adoption of this permit? Will further updates to LCCP be allowed? If so, would updates need to be approved either by WB Executive Officer or Board? If so, consider use of "as amended from time to time" language to allow updates.

17. I.E Condition Assessments P.4: Permittees are concerned that the workload to complete condition assessments as well as inspecting all facilities may be difficult to complete given current

local government budget problems. If permittees choose to develop alternate assessment methods, they would still need to do the LCCP Handbook, the BMP and Road RAMs while seeking approval for alternate assessment methods. The Water Board should consider the value gained from the both the condition assessments and the annual inspection of all facilities, and work with Permittees to modify Permit requirements to reduce the inspection workload currently required in this Permit.

18. I.F. Condition Assessment Method Alternatives P.5: The March 15, 2012 deadline to submit alternatives to BMP and Road RAMs does not provide sufficient time. Consider removing the deadline on submitting Condition Assessment Method Alternatives. Though the March 15, 2012 deadline did not require all technical information, the reasons for requiring identification of alternatives within four months of permit adoption are not clear. Permittees may be busy working to meet other permit requirements during this period, and may not have time to develop alternative methods during these four months.

19. II.A. Stormwater Facilities Inspections P. 5: Remove the requirements to conduct facilities inspections only between May and September. The City has performed some inspections before May and some after September. The MRP does not require annual inspections of all facilities within registered catchments, since condition assessments will inspect the relevant facilities in these catchments. The same language limiting the inspection requirement should be used in Permit Section III.B.3 P 17. Also, check for consistency between Permit and MRP on whether performing needed maintenance is required. This updated permit appears to require maintenance (Permit Section III.B.3 c. P 18), while the MRP just requires detailed inspection and reporting, but does not require maintenance to be performed.

20. III.A.2. P.8 Catchment Scale Runoff WQ Monitoring – Continuous Flow Data: Are the seasons (Dec-May, and June-Nov) consistent with seasons reported in the State of the Lake report? It is likely that due to equipment problems or icing, there may be data gaps. Consider language that the Permittees should explain any data gaps, but would not be facing enforcement for solely for having some data gaps.

21. III A. 5 Continuous Turbidity Measurements. P.8: Most catchment outfalls are ephemeral. It may be difficult to obtain reliable continuous turbidity measurements under these conditions. Has there been much success in obtaining continuous turbidity measurements at ephemeral outfalls in the Tahoe Basin? Are the continuous turbidity measurements protocols described in RSWMP? Even though permittees will sample TSS less frequently than turbidity, it may be useful to attempt to relate FSP concentration with TSS, and to attempt to develop a rating curve. This work could be done by Water Board staff or by the Permittees.

22. III.B.2 – BMP Effectiveness Monitoring P 9: Typo – “reasonable method to obtain”. Monthly inflow and outflow volume may be useful to report.

23. III.B.7 Pollutant or hydrologic source control BMPs P 10: Permittees may be interested in assessing the pollutant load reduction value of sediment traps. However, this section limits the approaches to estimating runoff volume eliminated and the number of particles eliminated per unit

area. Allow other metrics for assessing BMP effectiveness that may be more relevant for sediment traps.

24. III.D. SW Monitoring Data Management. P 11: Is the regional data center mentioned in the second paragraph the one at CEDEN, or does this refer to other regional data centers, e.g. TIIMS? If not referring to CEDEN, what happens if the other regional data centers are not operating?

25. IV Annual Reporting Requirements P 12: When is the first Annual Report due, March 2012, or March 2013?

26. IV.E.12 SW Monitoring Report: Typo – "A discussion of lessons learned"

27. General Comment: The most recent State of the Lake Report indicates that clarity is worse in the summer than in the winter. Urban loads are presumably higher in the winter/spring than in summer/fall. Does the new information about seasonal clarity trends and the change in phytoplankton populations call into question some of the permit's findings about urban runoff and the determination that fine sediment particles is the primary pollutant of concern?

If you have any questions or would like to discuss any of these comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Hilary Hodges". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Hilary Hodges
Director of Development Services

Copy: Tony O'Rourke, City Manager